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Application No. 03 027 767.7 - 1217	Ref. 101 300 a/km	Date 02.09.2004
Applicant Fuji Photo Film Co., Ltd.		

#### Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).**



MAGRIZOS S  
Primary Examiner  
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)



The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LU MC NL PT RO SE SI SK TR LI

**Description, pages:**

1-31 as originally filed

**Claims, No.:**

1-10 as originally filed

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US-A-6 074 724

D2: DE-A-3 428 943

**A. Clarity**

1. In view of the rest of the present description and pages 26-28 in particular, the use of the terms "uppermost" and "upper" on page 21, lines 3-19 is unclear (Article 84 EPC).

2. On page 4, lines 23-26 it is stated that by using the radiation-cured layer according to the present application the increase in dropouts is lessened. However, a comparison between Comparative Examples 1 and 4 in Table 2 shows that by adding the radiation-curing compound according to the present application the number of dropouts increases significantly. There is, therefore, an inconsistency, and the effect of the radiation-cured layer has not been demonstrated (Article 84 EPC).

**B. Inventive step**

The present application does not meet the requirements of Article 52(1) EPC, because



the subject-matter of claims 1-10 does not involve an inventive step in the sense of Article 56 EPC.

1. Document D1, which is considered to represent the most relevant state of the art, discloses (cf. column 8, lines 10-13; column 9, lines 26-28; column 12, lines 22-23; column 19, lines 29-52; column 47, line 55-column 50, line 19; claims 1, 3, 9) a magnetic recording medium comprising in sequence a support, a lower (non-)magnetic layer comprising a non-magnetic powder dispersed in a binder, an upper magnetic layer comprising a ferromagnetic powder dispersed in a binder having glass transition temperature of 100-130°C and 2 to 444 microprojections having height of 10 to 20 nm per 100 square micron, from which the subject-matter of claim 1 differs in that a radiation-cured layer is present between the support and the (non-)magnetic layer. The effect of the radiation-cured layer is not demonstrated in the present application (cf. point A.2 above). Hence the problem to be solved is to provide an alternative. D2 discloses a magnetic recording medium comprising a radiation-cured layer between the support and a magnetic layer (cf. page 7, lines 16-20; page 17, lines 24-32; claim 1). Therefore, the skilled person looking for an alternative would incorporate the disclosure of D2 in the medium of D1 and arrive at the medium of present claim 1. Thus the subject-matter of **independent claim 1** does not involve an inventive step.

2. The additional features of **dependent claims 2, 4-7, 10** are also disclosed in D1. See passages mentioned in B.1 above. Thus the subject-matter of claims 2, 4-7, 10 does not involve an inventive step.

3. The additional features of **dependent claims 3, 8, 9** are also disclosed in D2. See page 15, lines 23-34; page 23, lines 1-17. Thus the subject-matter of claims 3, 8, 9 does not involve an inventive step.

### C. Miscellaneous

1. On page 2, line 7 the cited document number should be JP-B-5-57647.

2. The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the

**Bescheid/Protokoll (Anlage)**

Datum  
Date 02.09.2004  
Date

**Communication/Minutes (Annex)**

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Sheet 3  
Feuille

**Notification/Procès-verbal (Annexe)**

Anmelde-Nr.:  
Application No.: 03 027 767.7  
Demande n°:

content of the application as filed (Article 123(2) EPC).